



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUL 29 2008

REPLY TO THE ATTENTION OF:
AE-17J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Gary Gross, President
Advance Iron and Metal Co., Inc.
7007 Quincy Avenue
Cleveland, Ohio 44104

Re: Finding of Violation
Advance Iron and Metal Co., Inc.

Dear Mr. Gross:

This is to advise you that the U. S. Environmental Protection Agency has determined that Advance Iron and Metal Co., Inc.'s facility at 7007 Quincy Avenue, Cleveland, OH (Advance or facility) is in violation of the Clean Air Act (CAA). A list of the requirements violated is provided below. We are today issuing to you a Finding of Violation (FOV) for these violations.

In accordance with Section 608 of the CAA, 42 U.S.C. § 7671g, EPA promulgated regulations at 40 C.F.R. Part 82, Subpart F, applicable to recycling and emissions reductions of ozone-depleting substances. Persons involved in the disposal process (including but not limited to scrap recyclers and landfill operators) of a small appliance, room air conditioning unit, motor vehicle air conditioner (MVAC), or MVAC-like appliance are required to:

- 1) Recover any remaining refrigerant from the appliance, or
- 2) Verify, through a signed statement by the person from whom the appliance was obtained, that the refrigerant has been evacuated from the appliance or shipment of appliances previously.
- 3) Maintain the signed statements on-site for a minimum of three years.

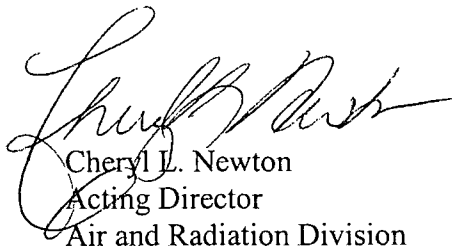
EPA finds that Advance has violated the above-listed regulations from 40 C.F.R. Part 82, Subpart F.

We are offering you the opportunity to request a conference with us about the violations alleged in the FOV. This conference will provide you a chance to present information on the

identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for your facility's technical and management personnel to take part in these discussions. You may have an attorney represent you at this conference.

The EPA contact in this matter is Lynne Roberts. You may call her at (312) 886-0250, if you wish to request a conference. EPA hopes that this FOV will encourage Advance's compliance with the requirements of the CAA.

Sincerely,



Cheryl L. Newton
Acting Director
Air and Radiation Division

Enclosure

cc: Richard L. Nemeth, Commissioner
Cleveland Department of Public Health
Division of Air Quality

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency

**United States Environmental Protection Agency
Region 5**

IN THE MATTER OF:)	
Advance Iron and Metal Co., Inc.)	FINDING OF VIOLATION
Cleveland, OH)	
Proceedings Pursuant to)	EPA-5-08-OH-24
the Clean Air Act,)	
42 U.S.C. §§ 7401 et seq.)	

FINDING OF VIOLATION

Advance Iron and Metal Co., Inc. (you or Advance) owns and operates a scrap recycling facility at 7007 Quincy Avenue, Cleveland, OH (the facility).

The U.S. Environmental Protection Agency is sending this Finding of Violation (FOV or Notice) to you for failing to reduce emissions of ozone-depleting substances as required at 40 C.F.R. Part 82, Subpart F.

Explanation of Violations

1. Advance, as a disposer of appliances, is subject to the regulations for the Protection of Stratospheric Ozone located in 40 C.F.R. Part 82; Subpart F. The Subpart F regulations include recycling and emissions reduction requirements for ozone depleting substances. The purpose of the regulations is to reduce emission of class I and class II refrigerants to the lowest achievable level during the service, maintenance, repair, and disposal of appliances. 40 C.F.R. § 82.150(a). Among the practices required by the regulations is the requirement that recyclers who take the final step in the disposal process of a small appliance, room air conditioning unit, motor vehicle air conditioner (MVAC), or MVAC-like appliance:
 - a. Recover any remaining refrigerant from the appliance in accordance with specific procedures described in 40 C.F.R. § 82.156; or
 - b. Verify that the refrigerant has been evacuated from the appliance or shipment of appliances previously. Such verifications must provide a signed statement from the person from whom the appliance or shipment of appliances is obtained that all refrigerant that had not leaked previously has been recovered from the appliances or shipment of appliances. This statement must include the name and

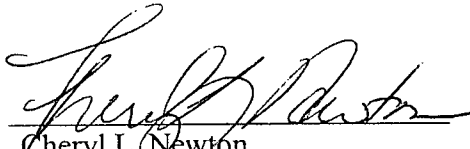
address of the person who recovered the refrigerant, and the date the refrigerant was recovered, or a contract that refrigerant will be removed prior to delivery.
40 C.F.R. § 82.156(f).

- c. In addition, the signed statements obtained pursuant to 40 C.F.R. § 82.156(f)(2) must be maintained on-site by the entities that dispose of appliances for a minimum of three years. 40 C.F.R. §§ 82.166(i) and (m).
2. During an inspection on April 9, 2008, EPA was informed that Advance receives at least one refrigerant-containing appliance a day in its operation. Advance operates five-and-a-half days a week.
 3. At the time of the inspection, EPA was informed that Advance does not recover refrigerant from appliances that are brought to the facility.
 4. At the time of the inspection, EPA was informed that Advance does not require verification statements attesting that the refrigerant has been evacuated and recovered prior to delivery of the appliance(s) to Advance.
 5. On May 8, 2008, EPA issued an information request pursuant to Section 114 of the Clean Air Act to Advance to verify that it does not collect verification statements nor does it own recovery equipment.
 6. In its response dated July 1, 2008, Advance verified that it did not collect verification statements nor did it own recovery equipment at the time of the inspection.

Environmental Impact of Violations

Violations of the standards for ozone-depleting substances lead to an increase in the depletion of stratospheric ozone ("the ozone layer"). The ozone layer protects humans as well as many plants and animals by filtering harmful ultraviolet radiation from the sun.

7/29/08
Date


Cheryl L. Newton
Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent a Finding of Violation, No. EPA-5-08-OH-24, by Certified Mail, Return Receipt Requested, to:

Gary Gross, President
Advance Iron and Metal Co., Inc.
7007 Quincy Avenue
Cleveland, Ohio 44104


on the 30th day of July, 2008.

I also certify that I sent a copy of the Finding of Violation by first class mail to:

Richard L. Nemeth, Commissioner
Cleveland Department of Public Health
Division of Air Quality
Penton Media Building, 4th Floor
1300 East 9th Street
Cleveland, Ohio 44114

and

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency
Lazarus Government Center
P.O. 1049
Columbus, Ohio 43216-1049


Betty Williams, Secretary
AECAS, (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0005 8920 2382